

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOHN BAKER,

Plaintiff,

v.

ROBERT GUANCIAL,
LAWRENCE ERB,
MICHAEL FINNEGAN,
GERALD RAKIECKI,
DANIEL CACCIOLA, and
JEFFREY PETERKIN,

Defendants.

ORDER

04-CV-433A(F)

By papers filed February 11, 2005, Plaintiff moves for a referral of his case for arbitration or alternative dispute resolution (Doc. No. 28). Defendants' response was filed February 16, 2005 (Doc. No. 34). Oral argument was deemed unnecessary.

For the reasons stated in Defendants' opposition, Plaintiff's motion is DENIED without prejudice to renew after disposition of Defendants' motion to dismiss.

SO ORDERED.

/s/ Leslie G. Foschio

LESLIE G. FOSCHIO
UNITED STATES MAGISTRATE JUDGE

Dated: May 5, 2005
Buffalo, New York